

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|----------------------------|---|----------------------|
| LORINDA BROWN, |) | |
| |) | |
| Plaintiff, |) | 4:09CV3066 |
| |) | |
| V. |) | |
| |) | |
| BNS PROPERTY I, LLC, A |) | MEMORANDUM AND ORDER |
| NEBRASKA LIMITED LIABILITY |) | |
| COMPANY, and SORTINO ASSET |) | |
| MANAGEMENT COMPANY, LLC, |) | |
| A NEBRASKA LIMITED |) | |
| LIABILITY COMPANY, |) | |
| |) | |
| Defendants. |) | |

This case was filed against Crossroads Plaza, L.P., a Nebraska Limited Partnership on March 26, 2009. Filing No. [1](#). On August 7, 2009, the court granted plaintiff's motion to amend the complaint by dismissing Crossroads Plaza, and naming Friedman Family Limited Partnership and BNS Property I, LLC as the correct defendants. Filing No. [16](#). On August 21, 2009, Friedman Family Limited Partnership was voluntarily dismissed because it had sold its share in the subject property to Sortino Asset Management Company, LLC. Filing No. [25](#). With leave of the court, on August 17, 2009, the plaintiff filed a second amended complaint naming both BNS Property and Sortino Asset Management as defendants. BNS filed a motion to sever plaintiff's claims against the two defendants on September 14, 2009. Sortino Asset Management has not been served or entered an appearance, the plaintiff has not responded to the motion to sever, and as a result, the progression of this case has stalled. Accordingly,

IT IS ORDERED that the plaintiff is given until November 20, 2009 to show cause why her claims against Sortino Asset Management should not be dismissed for want of prosecution, in the absence of which plaintiff's claims against defendant Sortino will be dismissed without further notice, and BNS' motion to sever will be denied as moot.

DATED this 6th day of November, 2009.

BY THE COURT:

Richard G. Kopf
United States District Judge